

BRIDGE ACROSS THE MISSISSIPPI RIVER AT  
BETTENDORF, IOWA

JUNE 25, 1952.—Referred to the House Calendar and ordered to be printed

Mr. LARCADE, from the Committee on Public Works, submitted the  
following

REPORT

[To accompany H. R. 8194]

The Committee on Public Works, to whom was referred the bill (H. R. 8194) to amend an act approved May 26, 1928, relating to a bridge across the Mississippi River at Bettendorf, Iowa, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The committee held a hearing on H. R. 6049 and adopted certain amendments proposed by the Department of the Army and the Department of Commerce. H. R. 8194 was introduced as a clean bill and embodies the changes recommended by the committee.

Section 1 of the act of May 26, 1928 (45 Stat. 759), which this bill amends, authorized certain individuals and their assigns to construct a bridge across the Mississippi River at Bettendorf, Iowa. Section 3 of that act authorized imposition of tolls subject to regulation by the Secretary of the Army under the authority contained in the Bridge Act of March 23, 1906 (33 U. S. C. 494). Sections 4 and 5 provided that after completion of the bridge the States, or any political subdivision, might acquire the bridge and continue to charge tolls. The amount paid for the bridge would be amortized within 20 years from the date of acquiring the bridge, after which it was to be free of tolls or the rates adjusted to provide only for maintenance and operation. Section 7 granted the right to transfer all the rights, powers, and privileges conferred by the act.

The bridge was actually constructed by the city of Davenport, Iowa, as assignee, and sections 4 and 5 of the act providing for acquisition by a public agency of the bridge after its completion, amortization of the cost within 20 years, and elimination or reduction of tolls thereafter, do not appear to have become effective.

Witnesses testified that due to the industrial expansion in the vicinity of Bettendorf and the development and growth in the general area the existing two-lane bridge is badly congested with traffic and the construction and reconstruction work proposed by this bill, which would make possible one-way movement of traffic over the original and proposed new span, is needed to provide adequate bridge and bridge-approach facilities.

The bridge is being operated and managed under the jurisdiction of the Davenport Bridge Commission and after the enlargement and reconstruction of the bridge and approaches, including the construction of a separate but adjacent span, as authorized by H. R. 8194, the same commission will continue to collect tolls and to pay the amortization and maintenance costs therefrom.

This legislation is in conformity with the provisions of the General Bridge Act of 1946, as amended, and assures that within 30 years from the date of construction or acquisition of the adjacent span and upon completion of the enlargement and reconstruction of the present bridge and approaches, they shall be maintained free of tolls.

The rates of toll fixed are subject to review by the Secretary of the Army. Plans for the existing bridge and proposed new span are likewise subject to approval of the Secretary of the Army.

The bill does not involve the expenditure of Federal funds.

Reports of the Secretary of the Army and the Secretary of Commerce are set forth below.

DEPARTMENT OF THE ARMY,  
Washington, D. C., May 12, 1952.

HON. CHARLES A. BUCKLEY,  
*Chairman, Committee on Public Works,*  
*House of Representatives.*

DEAR MR. BUCKLEY: Reference is made to your request for the views of this Department with respect to H. R. 6049, Eighty-second Congress, second session, a bill to amend an act approved May 26, 1928, relating to a bridge across the Mississippi River at Bettendorf, Iowa. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense.

The Department of the Army, on behalf of the Department of Defense, offers no objection to the favorable consideration of H. R. 6049, if amended as hereinafter recommended.

Section 1 of the act of May 26, 1928 (45 Stat. 759) authorized certain individuals and their assigns to construct a bridge across the Mississippi River at Bettendorf, Iowa. By section 3 they were authorized to charge tolls subject to regulation by the Secretary of the Army under the authority contained in the Bridge Act of March 23, 1906 (33 U. S. C. 494). Sections 4 and 5 provided that after completion of the bridge the States or any political subdivision might acquire the bridge and continue to charge tolls. The amount paid for the bridge would be amortized within 20 years from the date of acquiring the bridge, after which it was to be free of tolls or the rates adjusted to provide only for maintenance and operation. Section 7 granted the right to transfer all the rights, powers, and privileges conferred by the act.

The bridge was actually constructed by the city of Davenport, Iowa, as assignee, and sections 4 and 5 of the act providing for acquisition by a public agency of the bridge after its completion, amortization of the cost within 20 years, and elimination or reduction of tolls thereafter, do not appear to have become effective.

H. R. 6049 would add to section 7 of the act a provision authorizing, from time to time, the enlargement and reconstruction of the bridge and approaches, including the construction of a separate but adjacent span, and the continuation of tolls to pay amortization and maintenance costs. As so amended the act would still not insure that the cost of the bridge will be amortized within a definite period or that the bridge will be made toll-free. The General Bridge Act of 1946, as

amended (33 U. S. C. 529), provides that tolls for an interstate bridge constructed or acquired by a political subdivision shall be adjusted to amortize the cost within 30 years from the date of construction or acquisition, and the bridge shall thereafter be maintained free of tolls. In order to conform to the policy of the Congress expressed in the General Bridge Act of 1946 it is recommended that section 1 of H. R. 6049 be amended by deleting the words "from time to time, and" in line 11, page 1, and by inserting after "cost", in line 13, page 2, the words "as soon as possible under reasonable charges, but within a period of not to exceed thirty years from the date of completing the work herein authorized in accordance with the approved plans, and after a sinking fund sufficient for such amortization shall have been so provided such bridge shall thereafter be maintained and operated free of tolls,".

The bill does not involve the expenditure of funds by the United States.

An identical report on S. 2520, a companion bill, has been coordinated among the departments and boards of the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget has advised that there is no objection to the submission of an identical report on S. 2520, the companion bill.

Sincerely yours,

FRANK PACE, Jr.,  
*Secretary of the Army.*

DEPARTMENT OF COMMERCE,  
*Washington, June 4, 1952.*

HON. CHARLES A. BUCKLEY,  
*Chairman, Committee on Public Works,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in further reply to your communication of February 5, 1952, requesting the comments of the Department concerning H. R. 6049, a bill to amend an act approved May 26, 1928, relating to a bridge across the Mississippi River at Bettendorf, Iowa.

The bill would amend section 7 of the act approved May 26, 1928 (45 Stat. 759), which authorized construction of the existing Iowa-Illinois Memorial Bridge across the Mississippi River between Bettendorf, Iowa, and Moline, Ill., by adding at the end of said section new language to authorize enlargement and reconstruction of said bridge, and approaches thereto, including the construction of a separate but adjacent span and approaches thereto with interconnections with the original span.

Due to the industrial expansion in the vicinity of Bettendorf and the development and growth in the general area of Davenport and Bettendorf in Iowa and of Rock Island and Moline in Illinois, it is reported that the existing two-lane bridge is badly congested with traffic and that the proposed construction and reconstruction work, which would make possible one-way movement of traffic over the original and proposed new span, is needed to provide adequate bridge and bridge-approach facilities. The existing bridge is operated as a toll facility by the Davenport Bridge Commission, an agency of the city of Davenport, Iowa, and it is reported that the toll revenues from this bridge have now provided funds sufficient to complete final payment of the cost thereof and have further provided a substantial surplus to apply toward the cost of the proposed improvements.

The act of May 26, 1928, which authorized construction of the original bridge, prescribed no limitation on the period during which tolls may be collected thereon, and neither does the pending bill in its present form prescribe any such limitation with respect to the collection of tolls on the present span after it has been enlarged and reconstructed in the manner proposed or on the proposed adjacent span to be constructed. The bill provides that it shall be subject to the limitations expressed in section 3 of the act of May 26, 1928, but said section 3 merely requires that the rates of toll fixed shall be the legal rates until changed by the Secretary of the Army under the authority contained in the act of March 23, 1906.

The policy of Congress with respect to the collection of tolls for the use of any interstate bridge constructed or acquired by a State, municipality, or other political subdivision or public agency thereof, is now established under the General Bridge Act of 1946 (60 Stat. 812), as amended by an act approved May 25, 1948 (62 Stat. 267). Section 506 of said act provides that the rates of toll for any such bridge shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the

amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of constructing or acquiring the same, and that after a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. The pending bill in its present form, therefore, would be in direct conflict with such established policy as it would seemingly permit perpetuation of tolls with no statutory provision to insure that tolls ultimately would cease.

The Department is of the view, therefore, that the bill should be amended so that the existing bridge and proposed new span, upon amortization of the cost of the proposed improvements, will become free of tolls in line with the policy now established under the General Bridge Act of 1946, as amended. To accomplish this it is recommended that the pending bill be amended as follows:

In line 11, page 1, strike out the words "from time to time, and". Such words would seem unnecessary and might readily be construed to permit readjustment and further continuation of tolls for the purpose of financing future improvements that may be proposed from time to time, subsequent to those now contemplated.

In line 13, page 2, immediately following the comma after the word "cost", insert the words "as soon as possible under reasonable charges, but within a period of not to exceed thirty years from the date of completion of such improvements, and after a sinking fund sufficient for such amortization shall have been so provided, such bridge and adjacent span shall thereafter be maintained and operated free of tolls."

Change the designation of "Sec. 2." to "Sec. 3.", and insert a new section to be designated "Sec. 2.", to read as follows:

"Sec. 2. The second sentence of section 5 of the act approved May 26, 1928, is hereby amended by substituting a period for the comma which immediately follows the words 'operated free of tolls' in said sentence, and by striking out the remaining language of the sentence."

The language which would be so stricken from the second sentence of said section 5 of the act of May 26, 1928, authorizes endless continuation of tolls beyond the period required to amortize its cost for the purpose of maintaining, repairing, and operating the existing bridge and such language should be eliminated since it is in conflict with the policy under the General Bridge Act of 1946 that tolls should cease when a fund sufficient for amortization purposes has been provided.

If the pending bill is amended in line with the foregoing recommendations, its enactment would be without objection to this Department.

We are advised by the Bureau of the Budget that it would interpose no objection to the submission of this letter.

If we can be of further assistance in this matter, please call upon us.

Sincerely yours,

CHARLES SAWYER,  
*Secretary of Commerce.*

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